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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,668	04/19/2001	Keiichi Hibi	70551-55824	8166
21874	7590	10/22/2004	EXAMINER	
EDWARDS & ANGELL, LLP P.O. BOX 55874 BOSTON, MA 02205			BOCCIO, VINCENT F	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/838,668

Applicant(s)

HIBI ET AL.

Examiner

Vincent F. Boccio

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-20 is/are allowed.
- 6) ☒ Claim(s) 21-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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**DETAILED ACTION**

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2616.

**Claim Rejections - 35 USC § 102**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Navco Model 2700 VCR (Dated 9/1996, also copyright 1995).

Regarding claims 21-22, Navco discloses and meets the limitations associated with an image processing apparatus comprising:

- an operation control portion for instructing a timing of recording or transmission so as to input motion picture data intermittently at prescribed time intervals (page 19, met by, "TIMS LAPSE RECORDING a mode or one of the modes", such as for different durations or time lapse modes);
- further comprising an announcing portion for announcing to outside (inform a user), that a recording or transmission is currently taking place, according to control of starting and stopping of the input motion picture data by the operational control portion (met by page 7, "FRONT PANEL DISPLAY", "REC", which is an indication to a user on the display indicated and appears during a record mode),
- which reads on claim 22, being one of a illumination an LED or a lamp (met by the display panel having a message REC).

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Regarding claim 23, Navco further provides sound upon starting recording (page 22, "Buzzer", when ON provides an audible indication when recording begins).

***Allowable Subject Matter***

***Claims 1-20 are allowable over the prior art of record.***

1. The following is an examiner's statement of reasons for allowance:

Regarding claim 1, the prior art of record provides for generating a first control signal, which triggers the start of recording, based on changes between picture planes of input motion picture data and also discloses a T1 elapse time after triggering recording based on the first control signal, but the prior art fails to teach, disclose or fairly suggest the combination comprising:

- a change detecting portion detecting changes between picture planes and outputting a first control signal, indicating a transition from a small to large change and a second indicating a large to a small, wherein the control portion starting and stopping in accord to the first and second control signals, wherein during a recording or transmission operation to stop, if no first is occurs (during T1);

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until after a prescribed time  $T_1$  elapses after the second is output.

Reference timing chart Fig. 3.

Regarding claim 9 is substantially the same as claim 1, wherein the prior art fails to teach, disclose or suggest the combination with the recited limitations with the limitations comprising:

- generation of a first and second signals, small to large (first), large to small (second);
- controlling stopping and starting in accord to the first and second;
- upon recording or transmission operation, stopping the mode when a prescribed time period  $T_2$  has elapsed without the first signal being output.

Regarding claim 19 the prior art fails to teach, disclose or fairly suggest the combination comprising:

- motion compensation predictive portion for dividing a picture plane of input motion picture data into prescribed regions, performing for each region a motion compensation prediction with a reference picture plane stored in a frame memory, outputting a prediction error, a motion vector of said each region,

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and a sum of squared difference of luminance values of pixels within the region between picture planes;

- a prediction error coding portion for coding the prediction error and outputting coded motion picture data;
- a change detecting portion for detecting a change between picture planes from the motion vector and the sum of squared difference and outputting a first and second control signals, indicating a transition from small to large, large to small respectively; and
- an operation control portion for controlling starting and stopping of recording or transmission of input motion picture data according to the first and second control signals.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Contact Fax Information

Any response to this action should be mailed to:  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communication intended for entry)

or:

(703) 308-5359, (for informal or draft communications, please label "PROPOSED" or "DRAFT")


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Contact Information

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Thursday, 8:00 AM to 5:00 PM Vincent F. Boccio (703) 306-3022.

Any inquiry of a general nature or relating to the status of this application should be directed to Customer Service (703) 306-0377.

Primary Examiner, Boccio, Vincent  
10/18/04

  
VINCENT BOCCIO  
PRIMARY EXAMINER